

05-16-06

AF/2654  
JRW

Appl. No. 09/996,849  
Amendment Transmittal Dated May 15, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/996,849 Confirmation No.: 4891  
Applicant(s): Michael K. Davis  
Filed: 11/27/2001  
TC/A.U.: 2654  
Examiner: David D. Knepper  
Docket No.: 50031.0020  
Customer No: 36178  
Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is
- Amendment Pursuant to 37 C.F.R. 1.116 for this application (9 Pages)
  - Post Card

**STATUS**

2. Applicant is

**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10**

I hereby certify that, on the date shown below, this correspondence is being:

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- ☐ deposited with the United States Postal Service in an envelope addressed to the Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- |   |   |
|---|---|
| <input type="checkbox"/> 37 C.F.R. 1.8(a) | <input checked="" type="checkbox"/> 37 C.F.R. 1.10* |
| with sufficient postage as                | as "Express Mail Post Office to Addressee,"         |
| first class mail.                         | Mailing Label No. EQ453249379US                     |

**TRANSMISSION**

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Date: May 15, 2006

Signature

Alla Meyer

Alla Meyer

(type or print name of person certifying)

- [X] a small entity. A statement:  
 [ ] is attached.  
 [X] was already filed.  
 [ ] other than a small entity.

### EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) -- If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

*If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).*

NOTE: See 37 C.F.R. Section 1.645 for extensions of time in interference proceedings, and 37 C.F.R. Section 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

*(complete (a) or (b), as applicable)*

- (a) [ ] Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

	Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
[ ]	one month	\$ 120.00	\$ 60.00
[ ]	two months	\$ 450.00	\$ 225.00
[ ]	three months	\$ 1020.00	\$ 510.00
[ ]	four months	\$ 1590.00	\$ 795.00

Fee: \$ 0.00

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

- [ ] An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 0.00

OR

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- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

### FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)		(Col. 2)		(Col. 3) SMALL ENTITY			OTHER THAN A SMALL ENTITY	
	Claims Remaining After Amendment		Highest No. Previously Paid For		Present Extra	Rate	Addit. Fee	OR	Addit. Fee
Total	17	Minus	17	=0		x \$25 =	\$0.00		x \$50 = \$0.00
Indep.	5	Minus	5	=0		x \$100 =	\$0.00		x \$200 = \$0.00
[ ] First Presentation of Multiple Dependent Claim						+ \$180 = \$			+ \$360 = \$
						Total Addit. Fee	\$0.00	OR	Total Addit. Fee \$0.00

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "O" in Col. 3,  
 \*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".  
 \*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".  
 The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** "After final rejection or action (Section 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. Section 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

- (c) ☒ No additional fee for claims is required.

OR

- (d) ☐ Total additional fee for claims required \$ 0.00.

### FEE PAYMENT

5. ☐ Attached is a check in the sum of \$ \_\_\_\_\_.  
☐ Charge Account No. 502398 the sum of \$ 0.00.  
 A duplicate of this transmittal is attached.

## FEE DEFICIENCY

*NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. ☒ If any additional extension and/or fee is required, charge Account No. 502398.

## AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 502398.

Date: 5/15/06

Lee G. Meyer  
SIGNATURE OF PRACTITIONER

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(type or print name of practitioner)  
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**AFTER FINAL AMENDMENT PURSUANT TO 37 CFR § 1.116**

**Sir:**

This amendment is submitted in response to the Final Office Action dated February 14, 2006, which set a shortened statutory period of three months, making any response due by May 14, 2006. Since May 14, 2006 fall on a Sunday, this response is due on the next business day, May 15, 2006. Entry of this Amendment and reconsideration of the rejections in light of the amendments to the claims and arguments contained in this Amendment are respectfully requested. Early and favorable action is further requested. This Amendment comports with the requirements of 37 CFR § 1.116 in that the amendments to the claims comply with the requirement of the previous Office Action and/or present the rejected claims in better form for consideration on appeal. Specifically, this amendment complies with the agreed upon matter in

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**37 C.F.R. 1.8(a)**

☐ with sufficient postage as first class mail.

**37 C.F.R. 1.10\***

☒ as "Express Mail Post Office to Addressee,"  
Mailing Label No. EQ453249379US

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the interview between Applicants' attorney and Examiner David D. Knepper in regard to the instant case on May 11, 2006 (Interview Summary attached).

Mr. Knepper's courtesy in granting Applicants' Attorney this interview is appreciated. During the interview, an agreement was reached with regard to claim language which overcomes the rejection of record. Specifically, rejection of the claims was maintained over Cilurzo (6,434,526) by the Examiner even in light of the arguments presented in Applicants' amendment under 37 CFR §1.111. Further, the Examiner made clear the grounds and reasons for his rejections. It was agreed during the interview that amendment of all claims to remove the recitation that the "second protocol could be the same" would overcome Cilurzo reference. In addition, Applicants' attorney and the Examiner discussed in general the difference between the Applicants' invention and the prior art as set forth in, for example, Tanenbaum. Specifically, Applicants' attorney pointed to the ASA (discussed claim 8) as a mechanism by which legacy protocols could be utilized by a common application service provider and one or more system transaction managers to parse application specific voice recognition jobs to appropriate speech recognition and transcription engines.

The claims as herein presented in accordance with 35 CFR §1.116 comply with the substance of the agreed upon matter in the interview. Entry is respectfully requested.

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Amendment Dated May 15, 2006

Amendments to the Specification: NONE

Amendments to the Claims are reflected in the listing of claims, which begins on page 4 of this paper.

Amendments to the Drawings: NONE

Remarks/Arguments begin on page 7 of this paper.